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| 09/877,687 | 06/08/2001 | Matthew J. Holliman | 42390.P11076 | 9438 |

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| EXAMINER |
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LEE, PHILIP C

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| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,687

Applicant(s)

HOLLIMAN ET AL.

Examiner

Philip C. Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-23, 25-38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-23, 25-38, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on January 27, 2005.
2. Claims 1-9, 11-23, 25-38 and 40-41 are presented for examination. Claims 10, 24 and 39 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8, 11, 13-18, 21, 25, 28-32, 34, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, U.S. Patent 6,687,753 (hereinafter Schneider) in view of Hughes, Jr. et al, U.S. Patent 6,633,725 (hereinafter Hughes).

6. Schneider and Hughes were cited in the last office action.
7. As per claims 1, 14 and 28-29, Schneider taught the invention substantially as claimed comprising:
 - a processing unit (col. 2, lines 50-52);
 - a memory device (col. 2, lines 50-52);
 - a network interconnection (col. 2, lines 66-col. 3, lines 3);
 - a first unit to process an inquiry for data from a node, obtain the requested data from a second node (col. 3, lines 19-24) (i.e., the requested data is comprised of objects obtained from other (e.g. second or third) servers), transcode the data before transmitting the data to the node, wherein the transcoding includes converting the data into a format that can be processed by the node (col. 4, lines 57-61), and transmitting the data to the node in a transport specification as requested by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).
8. Schneider did not teach that the node is a peer node of the first unit. Hughes taught transcoding data to a peer node (col. 7, lines 30-39; col. 8, lines 51-55).
9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schneider and Hughes because Hughes's system of transcoding data to a peer node would increase the efficiency of Schneider's system by allowing

data to be transcoded before transmission to another peer device node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

10. As per claims 2, 5, 15, 18, 30 and 34, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Schneider further taught that the transport specification is specified by an application at the peer node (col. 3, lines 41-53).

11. As per claims 3, 16 and 31, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Schneider further taught that the inquiry includes a user-specified query generated at the peer node (col. 3, lines 28-31, 61-67).

12. As per claims 4, 17 and 32, Schneider and Hughes taught the invention substantially as claimed in claims 3, 16 and 31 above. Schneider further taught that the user-specified query includes a reference to a content of the requested data, and the system includes a content specific query handler to locate the requested data (col. 4, lines 26-33).

13. As per claims 8, 21 and 37, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Hughes further taught that the data includes multimedia data (col. 7, lines 35-39).

Art Unit: 2154

14. As per claims 11 and 25, Schneider and Hughes further taught that the system receives the data from the second peer node after the second peer node has transcoded the data (see Schneider, col. 3, lines 19-21; col. 4, lines 57-61).

15. As per claims 13 and 41, Schneider and Hughes taught the invention substantially as claimed in claims 1 and 29 above. Schneider further taught that the data is transcoded in response to a status of a network connection between the system and the peer node (col. 4, lines 1-20; col. 5, lines 48-62; col. 6, lines 26-29).

16. Claims 6-7, 12, 19-20, 23, 26-27, 35-36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider and Hughes in view of "Official Notice".

17. As per claims 6-7, 12, 19-20, 23, 26, 35-36 and 40, Schneider and Hughes taught the invention as claimed in claims 1, 14 and 29 above. Schneider and Hughes did not specifically detailing a format requested by the peer service layer of the peer node. "Official Notice" is taken for the concept of the peer service layer of the peer node is known and accepted in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the peer service layer because by doing so would allow nodes in a peer-to-peer network to communicate.

18. As per claim 27, Schneider and Hughes taught the invention substantially as claimed as in claim 26 above. Schneider further taught that a daemon at the first node includes an

application interface module (col. 2, lines 66-col. 3, lines 3), a media transcoding module (col. 4, lines 57-61), a cost evaluation module (col. 3, lines 41-57), and a daemon to daemon communication module (col. 4, lines 26-33).

19. Claims 9, 22 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider and Hughes in view of Ogilvie et al, U.S. Patent 6,757,713 (hereinafter Ogilvie).

20. Ogilvie was cited in the last office action.

21. As per claims 9, 22 and 38, Schneider and Hughes taught the invention substantially as claimed in claims 1, 14 and 29 above. Schneider and Hughes did not specifically detailing the peer node is a wireless device. Ogilvie taught that the peer node is a wireless device (col. 4, lines 10-21) and an application support handler included at the system adjusts delivery of the data to a status of the peer node (see Schneider, col. 3, lines 10-17; col. 4, lines 14-20; col. 6, lines 26-29).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schneider, Hughes and Ogilvie because Ogilvie's teaching of wireless device would increase the field of use in their systems.

23. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider and Hughes in view of Neogi et al, U.S. Patent 6,650,620 (hereinafter Neogi).

Art Unit: 2154

24. Neogi was cited in the last office action.

25. As per claim 33, Schneider and Hughes taught the invention substantially as claimed in claim 29 above. Schneider and Hughes did not teach tables mapping user-defined named. Neogi taught that the second and first peer nodes include tables mapping user-defined names or metadata references to Globally Unique Identifiers identifying data stored within a network of peer-to-peer nodes (col. 2, lines 53-63; col. 3, lines 27-43).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schneider, Hughes and Neogi because Neogi's system of mapping user-defined names would increase the efficiency of Schneider's and Hughes's systems by allowing requests to be routed according to the mapping table.

27. Applicant's arguments with respect to claims 1-9, 11-23, 25-38 and 40-41, filed 1/27/05, have been fully considered but are not deemed to be persuasive.

28. In the remark applicant argued that

- (1) the cited references fail to teach the first peer node obtaining the requested data from a third peer node.

29. In response to point (1), Schneider discloses the invention substantially as claimed comprising:

Art Unit: 2154

obtain the requested data from a third node (col. 3, lines 19-24) (i.e., the requested data is comprised of objects obtained from other (e.g. second or third) servers).

30. Schneider did not teach that the node is a peer node of the first unit. Hughes taught transcoding data to a peer node (col. 7, lines 30-39; col. 8, lines 51-55).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schneider and Hughes because Hughes's system of transcoding data to a peer node would increase the efficiency of Schneider's system by allowing data to be transcoded before transmission to another peer device node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

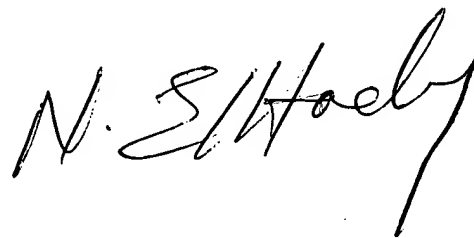
32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

33. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this

Art Unit: 2154

final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee

A handwritten signature in black ink, appearing to read "N. S. Hooley". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.